

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jul 26, 2024

SEAN F. McAVOY, CLERK

*AUSA Assigned: MJE*

*County of Investigation: Okanogan*

*In Re: Affidavit for Criminal Complaint charging Nicholas Shane Washington with Attempting to Elude a Pursuing Police Vehicle in Indian Country*

# AFFIDAVIT

STATE OF WASHINGTON             )  
County of Spokane                 ) ss

## INTRODUCTION AND AGENT BACKGROUND

1. I, Christifer Tomoson, Special Agent, being first duly sworn on oath, depose and state the following:

2. Your affiant is a Special Agent (SA) for the Federal Bureau of Investigation (FBI). This affidavit is in support of a Criminal Complaint charging Nicholas Shane WASHINGTON with Attempting to Elude a Pursuing Police Vehicle in Indian Country, in violation of 18 U.S.C. §§ 13, 1152, Wash. Rev. Code § 46.61.024.

3. Your affiant has been employed with the Federal Bureau of Investigation (FBI) since August of 2021. Your affiant is currently on temporary duty assigned to the FBI's Spokane Resident Agency. Your affiant is currently assigned to investigating violent crimes in Indian Country on the Colville, Spokane, and Kalispel Indian Reservations. As an FBI Special Agent, your affiant has received extensive training in a variety of investigative and legal matters of violations of federal and state law. Your affiant has participated in numerous investigations.

4. Your affiant is “an investigative or law enforcement officer of the United States” within the meaning of Section 2510 (7) of Title 18, United States

Code. Your affiant is, therefore, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in Title 18, United States Code.

5. This affidavit does not contain all of the information known to your affiant or to law enforcement regarding this investigation, but rather contains only those facts believed to be necessary to support the criminal complaint. Your affiant has participated in this investigation and the following information is derived from my review of official documents, and information provided by other sworn law enforcement officers.

### **INVESTIGATION AND PROBABLE CAUSE**

6. As set forth herein, your affiant submits there is probable cause to believe that Nicholas Shane Washington (hereafter “WASHINGTON”), an enrolled member of the Confederated Tribes of the Colville Reservation, violated Wash. Rev. Code § 46.61.024, as assimilated by the Assimilated Crimes Act, 18 U.S.C. §§ 13, 1152. The allegations and subsequent investigation are described in greater detail below.

### **STATEMENT OF PROBABLE CAUSE**

7. On July 25<sup>th</sup>, 2024, Officer Michael Day<sup>1</sup> (hereafter “Day”) with the Colville Tribal Police Department (CTPD) was on duty within the external boundaries of the Confederated Tribes of the Colville Reservation stationed near a roadblock barring vehicles from approaching the area in which firefighters were attempting to suppress a wildfire. Day was in uniform and assigned to a law enforcement vehicle equipped with lights and sirens. Day was notified by NRE<sup>2</sup> Officer Pete Campbell (hereafter “Campbell”) that a blue Ford pickup, license plate

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<sup>1</sup> The below is your affiant’s summary of Officer Michael Day’s police report.

<sup>2</sup> Natural Resources and Environment officers are federal officers under the United States Department of Agriculture.

C08832V, registered to Lisa Gabriel, ran through a roadblock at the intersection of Rebecca Lake Road and Highway 155. According to Day, while taking the report from Campbell, Campbell noticed the blue Ford pickup pass through the roadblock again. Day detailed that he signaled the blue Ford pickup to stop by activating his lights and attempted to perform a traffic stop to advise the blue Ford pickup of the road closure and to not proceed through the roadblocks. Day stated the blue Ford pickup began to pull over at Highway 155 and Mile Post 36, and almost came to a complete stop. However, Day stated the driver of the vehicle accelerated at a high rate of speed and he pursued reaching speeds in excess of 100 mph. Day specified the posted speed was 45 mph.

8. Day stated he continued to pursue the blue Ford pickup, but the vehicle made an abrupt turn onto Peter Dan Road going through the firefighter roadblock and forced NRE Officer Chance Williams to take shelter behind his vehicle. Day stated he continued pursuit on Peter Dan Road in excess of 70 mph and followed the blue Ford pickup as it turned onto Buffalo Lake Road. Day detailed that the pursuit continued on Buffalo Lake Road through an active fire passing several firefighters at speeds of 60 mph, causing them to jump out of the way. Day stated the vehicle continued to McGinnis Lake on Buffalo Lake Road where the blue Ford pickup left the roadway and drove up a Dozer line<sup>3</sup> and got stuck on a hill.

9. Day stated he remained at the bottom of the hill due to his patrol vehicle not being able to handle the conditions of the Dozer line. Day detailed that he continued to observe the vehicle for several minutes until NRE Officer Neal Johnson (hereafter “Johnson”) caught up to Day’s patrol car and the blue Ford pickup. According to Day, Johnson had a vehicle capable of off-road travel and as he pursued the blue Ford pickup, it became unstuck and made it to the top of the hill.

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<sup>3</sup> A Dozer line is created by a bulldozer blading the ground to remove flammable plant material down to bare soil in wildfire conditions.

10. Johnson stated he was able to stay with the vehicle and Day stated he followed the road where it came out at Buffalo Lake Road and Rebecca Lake Road. Day detailed how the blue Ford pickup began to approach his location and came to a stop at the bottom of the hill. Day stated he and Johnson performed a felony stop and commanded two individuals to exit the vehicle. Day reported the driver, and a passenger exited the vehicle. Day stated he identified the driver as Nicholas Shane WASHINGTON and the passenger as Victoria Matheson (hereafter "Matheson"). Day reported both individuals were handcuffed and read their Miranda rights. Day stated that both WASHINGTON and Matheson invoked their rights to remain silent. Day reported no questions were asked of either WASHINGTON or Matheson.

11. Day stated the vehicle was transported back to Colville Tribal PD and a search warrant was applied for. Day reported at approximately 6:09 am on July 25<sup>th</sup>, 2024, a search warrant was granted, and several items of paraphernalia were found inside the vehicle, including a scale with white residue, burnt foil, tutor pipe, and methamphetamine pipe.

### **CONCLUSION**

12. Based upon the information above and my knowledge and experience, there is probable cause to believe NICHOLAS SHANE WASHINGTON violated Wash. Rev. Code § 46.61.024, as assimilated by the Assimilated Crimes Act, 18 U.S.C. §§ 13, 1152 (Attempting to Elude a Pursuing Police Vehicle in Indian Country) by driving through a fire blockade, failing to stop when signaled to do so by a uniformed police officer, and leading law enforcement on a high speed chase to avoid apprehension, almost striking multiple firefighters actively engaged in

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wildfire suppression. Further, your Affiant is aware that WASHINGTON is an enrolled member of the Confederated Tribes of the Colville Reservation and the above conduct occurred on the Confederated Tribes of the Colville Reservation.

Christifer Tomoson

Christifer Tomoson, Special Agent  
Federal Bureau of Investigation

Subscribed electronically and sworn to telephonically this 26<sup>th</sup> day of July, 2024.



James A. Goeke

James A. Goeke  
United States Magistrate Judge